

SENATE BILL 52

G1, D1, D2

11r0635

By: **Senator Conway**

Introduced and read first time: January 18, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Candidates for Judicial Offices – Certificates of Candidacy and**
3 **Campaign Finance Entities**

4 FOR the purpose of prohibiting, under certain circumstances, a judge from filing a
5 certificate of candidacy for judicial office more than a certain number of years
6 before the general election for the judicial office; prohibiting, under certain
7 circumstances, a judge from establishing, or causing to be established, a
8 campaign finance entity more than a certain number of years before the general
9 election for the judicial office; providing for the application of this Act; defining
10 a certain term; and generally relating to certificates of candidacy and campaign
11 finance entities for candidates for certain judicial offices.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 5–303 and 13–202
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 5–303.

21 (a) Except as provided in subsections (b) [and (c)], **(C), AND (D)** of this
22 section, a certificate of candidacy shall be filed not later than 9 p.m. on the Monday
23 that is 10 weeks or 70 days before the day on which the primary election will be held.

24 (b) A certificate of candidacy for an office to be filled by a special election
25 under this article shall be received and filed in the office of the appropriate board not

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
2 special primary election specified by the Governor in the proclamation for the special
3 primary election.

4 (c) The certificate of candidacy for the election of a write-in candidate shall
5 be filed by the earlier of:

6 (1) 7 days after a total expenditure of at least \$51 is made to promote
7 the candidacy by a campaign finance entity of the candidate; or

8 (2) 5 p.m. on the Wednesday preceding the day of the election for
9 which the certificate is filed.

10 (D) (1) IN THIS SUBSECTION, “NEWLY APPOINTED JUDGE” MEANS A
11 JUDGE WHO WAS APPOINTED TO THE JUDICIAL OFFICE SINCE THE LAST
12 GENERAL ELECTION FOR THE JUDICIAL OFFICE.

13 (2) THIS SUBSECTION APPLIES TO:

14 (I) A JUDGE OF A CIRCUIT COURT FOR A COUNTY; AND

15 (II) A JUDGE OF THE ORPHANS’ COURT FOR A COUNTY.

16 (3) A JUDGE MAY NOT FILE A CERTIFICATE OF CANDIDACY FOR
17 JUDICIAL OFFICE MORE THAN 2 YEARS BEFORE THE GENERAL ELECTION FOR
18 THE JUDICIAL OFFICE UNLESS:

19 (I) THE JUDGE IS A NEWLY APPOINTED JUDGE; OR

20 (II) A NEWLY APPOINTED JUDGE HAS FILED A CERTIFICATE
21 OF CANDIDACY FOR A JUDICIAL OFFICE ON THE SAME COURT.

22 13–202.

23 (a) Unless otherwise expressly authorized by law, all campaign finance
24 activity for an election under this article shall be conducted through a campaign
25 finance entity.

26 (b) An individual may not file a certificate of candidacy until the individual
27 establishes, or causes to be established, an authorized political committee.

28 (C) (1) IN THIS SUBSECTION, “NEWLY APPOINTED JUDGE” MEANS A
29 JUDGE WHO WAS APPOINTED TO THE JUDICIAL OFFICE SINCE THE LAST
30 GENERAL ELECTION FOR THE JUDICIAL OFFICE.

31 (2) THIS SUBSECTION APPLIES TO:

1 **(I) A JUDGE OF A CIRCUIT COURT FOR A COUNTY; AND**

2 **(II) A JUDGE OF THE ORPHANS' COURT FOR A COUNTY.**

3 **(3) A JUDGE WHO INTENDS TO FILE A CERTIFICATE OF**
4 **CANDIDACY FOR A JUDICIAL OFFICE MAY NOT ESTABLISH, OR CAUSE TO BE**
5 **ESTABLISHED, A CAMPAIGN FINANCE ENTITY MORE THAN 2 YEARS BEFORE THE**
6 **GENERAL ELECTION FOR THE JUDICIAL OFFICE UNLESS:**

7 **(I) THE JUDGE IS A NEWLY APPOINTED JUDGE; OR**

8 **(II) A NEWLY APPOINTED JUDGE HAS FILED A CERTIFICATE**
9 **OF CANDIDACY FOR A JUDICIAL OFFICE ON THE SAME COURT.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.